

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD A. MALLORY-BEY #142119,

Plaintiff,

v.

Case No. 04-71626
Hon. Bernard A. Friedman

PATRICIA CARUSO, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter is before the Court on Magistrate Judge Steven D. Pepe's Report and Recommendation dated June 24, 2005. No objections were filed thereto.

This Court has had an opportunity to fully review this matter and believes that the Magistrate Judge has reached the correct conclusions for the proper reasons.

ACCORDINGLY:

IT IS HEREBY ORDERED that Magistrate Judge Steven D. Pepe's Report and Recommendation dated June 24, 2005, is hereby accepted and adopted.

IT IS FURTHER ORDERED that plaintiff's action is dismissed without prejudice.

August 3, 2005

Detroit, Michigan

s/Bernard A. Friedman

BERNARD A. FRIEDMAN
CHIEF JUDGE

**I hereby certify that a copy of the foregoing document
was served this date upon counsel of record
electronically and/or via first-class mail.**

/s Patricia Foster Hommel

Patricia Foster Hommel
Secretary to Chief Judge Friedman